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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,251	10/27/2003	Warren Coon	MGNC-86d	2683

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EXAMINER

MANOHARAN, VIRGINIA

ART UNIT	PAPER NUMBER
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1764

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/694,251	Applicant(s) COON, WARREN	
	Examiner Virginia Manoharan	Art Unit 1764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06/13/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) 1-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's election of Group II, claims 33-36 in the reply filed on June 13, 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 33-4 are pending.

Applicant should update the status of the parent application indicated at page 1 of the specification.

Claims 33-45 are objected to because the inconsistent use of terminology in the claims is improper. For Examples Only: "standing water" in claim 34 as opposed to "agricultural water" or "field water" in claim 33. See also claim 37. See further the "condensed water" in claim 36 as opposed to "solar distilled water" in claim 33.

[Applicant should check the consistency of the terms used in the claims].

Claims 33-45 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a). In claim 33, reciting a "primary mirror" without reciting a secondary, tertiary and etc., mirrors provides for ambiguity in the claims.
- b). The claimed "evaporating from said wick upper end solar distilled water" is confusing since "solar distilled water" would presupposed for water that has already been distilled using solar energy, i.e., water that has already been evaporated and condensed.

Art Unit: 1764

Compare with claim 36 reciting the evaporation and condensation steps and returning the condensed water to the field water.

c). The claimed "said dome" in claims 41-42, and "said lens" in claim 42 both lack antecedent support.

d). It is unclear whether the primary mirror in claim 33 do in fact reflect solar radiation onto the wick upper end with the recitation of "adapted to". See also claims 39 and 43. [Deleting the phrase "adapted to" in the above claims would obviate this rejection].

e). The claimed "said lens primarily normal to said lens" is ambiguous.

f). It is not seen how a mere collector can function to condense? Reciting "condenser" in lieu of collector is better. See e.g., claim 37.

g). Replacing the phrase "evaporated water" to "water vapor" or "steam" is better to avoid confusion. "Evaporated water" could also mean the feedwater that has been evaporated. See also claim 43.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 33-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bjorksten (2,807,912) or Miller, Jr. (2,412,466) in view of Ward (6,821,395) and Snyder(4,276,122).

Bjorksten or Miller discloses substantially the process as claimed. See the claims at columns 3 to 4 of Bjorksten, and at column 3, lines 52-67 and column 5, lines 7-30 of

Art Unit: 1764

the Miller's reference. The process of Bjorksten or Miller differs from the claimed invention in that claim 1, recites the steps of "disposing a plurality of desalinating units"; and "providing a primary mirror in each unit adapted to reflect solar radiation incident upon said unit onto said wick upper end, evaporating from said wick upper end solar distilled water". To substitute a plurality of desalinating units for the singular unit e.g., of Bjorksten or Miller would have been obvious to one of ordinary skill in the art as such arrangement improves the overall output of the still as taught by Ward. See e.g., column 3, lines 48-50 of the Ward's reference. Furthermore to provide a primary mirror to the process of Bjorksten or Miller would have been obvious to one of ordinary skill in the art as such is known in the art as taught by Snyder. See e.g., column 9, lines 45-60 of the Snyder's reference.

Moreover, it would have been obvious to an artisan to cleanse the wick of Miller or Bjorksten with any accumulated salts and reusing said wick to collect saline water from water as claimed e.g., in claim 34 as such is conventionally done in the art. See further column 5, lines 64-67 through column 6 lines 1-17 of the Ward's reference.

Claims 43-45 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a). Shimizu et al discloses a distilling tube apparatus.
- b). Eiderman et al discloses a soil irrigation solar system.
- c). Clavier, Kruse and Raab all disclose a desalination method.

Art Unit: 1764


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Virginia Manoharan whose telephone number is 571-272-1450.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola, can be reached on 571-272-1444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VM

08/21/05


VIRGINIA MANOHARAN
PRIMARY EXAMINER
ART UNIT 132/1764